

Lawyers Battle Over 'Plot'; Witness Charged With Lying

NEW ORLEANS, La. (AP) —

The Kennedy assassination conspiracy probe moved on two fronts today — with legal infighting in the courtroom and secret sessions by a grand jury.

Defense lawyers for Clay L. Shaw accused the state of trying to bulldoze controversial testimony into the preliminary hearing.

The hearing, called by Dist. Atty. Jim Garrison in a rare proceeding, decides only whether Shaw must go to trial on a charge of conspiring to murder President John F. Kennedy.

However, the court record compiled here could automatically go into any subsequent trial. And the trend of testimony kept the defense in a lather of objections and argument.

Shaw, 54, a retired executive, showed signs of weariness as the hearing moved through its third day Thursday. His eyes were bloodshot, his suit rumpled.

Free under \$10,000 bond, Shaw was booked — but not formally charged — with conspiracy to murder the President. He says he knows nothing about any such plot.

New Indictment

The Orleans Parish (County) grand jury, which has occupied Garrison's full time over the past two days, indicted a puzzling figure from the Warren commission hearing Thursday — charging Dean A. Andrews Jr., 44, with perjury.

The hefty, five-talking lawyer posted \$1,000 bond last night. He said he had no idea what led to the charge. He testified



PERRY R. RUSSO

before the grand jury last week and again yesterday.

Andrews is an assistant district attorney in suburban Jefferson Parish. He was suspended from the post only hours before the indictment.

Asked about the indictment, Andrews told reporters:

"As you know, Dist. Atty. Garrison has under investigation an alleged plot that started here in New Orleans to assassinate the late John F. Kennedy. I have no knowledge of such a plot and I know no people in it.

Andrews Background

Andrews received his law degree from Loyola University here. He is married and has several children. He told the Warren Commission that he was an ordnanceman in the Navy.

The commission asked Andrews if he had considerable doubt about Oswald being the assassin. He replied:

"I know good and well he did not. With that weapon, he couldn't have been capable of making three controlled shots in that short time . . . this boy could have connived the deal, but I think he is a patsy. Somebody else pulled the trigger."

Andrews, who said he had advised Lee Harvey Oswald on some minor legal matters in 1963, told the Warren commission that a man he knew as "Clay Bertrand" telephoned him after the assassination and asked him to represent Oswald in Dallas.

The FBI was never able to

find a "Clay Bertrand" and Andrews said he couldn't either.

Garrison contends that Shaw used Bertrand as an alias.

The accusation by the district attorney was backed up by the preliminary hearing testimony of Perry R. Russo, 25, who went through two days of tough cross-examination before the defense let him off the stand yesterday.

Russo said he knew Shaw as "Clem Bertrand." And he said he was present when Shaw, Oswald and the late David W. Ferrie plotted to assassinate Kennedy.

The occasion, said Russo, was after a party at Ferrie's apartment in New Orleans in September 1963. The President was killed in Dallas about two months later — with Oswald named as the assassin.

The Warren Commission report said it found no credible evidence that any conspiracy was involved. Garrison has vowed to prove otherwise.

In the final round of cross-examination, the defense brought from Russo this statement:

Q. Was it your understanding that these three men would actively participate in the assassination?

A. I didn't get that impression, no.

The defense also brought out that Russo had been hypnotized during interrogation by Garrison's investigators and implied that he might not be mentally stable.

This area of cross-examination had a kickback later, however. The state — claiming that the defense opened up the area — began trying to submit testimony concerning Russo's reactions and statements under the influence of hypnotism and sodium pentothal — the so-called truth serum.

It was at this point that the defense's vehement objections stalled the hearing. Judge Bernard Bagert told both sides to study the legal precedents overnight and return with the issue solved.

Garrison was not in the courtroom yesterday, leaving the case to assistants.

Russo, nervous the first day, seemed relatively relaxed in his final hours on the stand. At one point, the interrogating lawyer complained to the judge: "The witness has candy in his mouth and I can't understand him."

Russo removed a candy mint and took a sip of water.

The controversial Garrison investigation drew a compliment from Roman Catholic Cardinal Cushing in Boston Thursday.

"I think they should follow it through," he said, adding that he never believed the assassination "was the work of one man."